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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,482	09/20/2000	Peter H. I. Kim	412342-2	8575
23879	7590	01/19/2005	EXAMINER	
BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			YOUNG, JOHN L	
		ART UNIT		PAPER NUMBER
				3622

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/665,482	KIM, PETER H. I.	
	<b>Examiner</b> John L Young	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 October 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

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**NON-FINAL OFFICE ACTION REJECTION****DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

**CLAIM REJECTIONS – 35 U.S.C. §103(a)**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claims 1-28 are rejected under 35 U.S.C. §103( a ) as being obvious over Cudahy 6,567,822 (05/20/2003) [US f/d: 03/21/2000] (herein referred to as "Cudahy").

As per claim 1, Cudahy (col. 17, ll. 45-67) discloses: "*Clients respond to questionnaires through an online interface. . . . the present invention compiles questionnaire responses automatically, the questionnaires can be distributed to hundreds of clients. . . . Responses to each question range from Strongly Disagree to Strongly Agree. . . .*"

Cudahy (the ABSTRACT; FIG. 1; FIG. 3; FIG. 3A; FIG 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 14; FIG. 15; FIG. 16; col. 1, ll. 55-67; col. 2, ll. 1-10; col. 4, ll. 30-60; col. 9, ll. 50-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 40-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-67; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67; col. 24, ll. 60-67; and col. 25, ll. 54-67) shows: "A method of providing remote users with a centralized polling environment . . . creating pools; archiving said polls in a storage area; searching said archived polls to provide a selected set of said polls; placing one of said selected polls in a Web page; delivering said Web page to permit user viewing and interaction with said one of selected pools in real time. . . ."

Stewart lacks a showing of: "building a profile for one of said users based on said interaction. . . ."

Cudahy (col. 11, ll. 8-20; col. 12, ll. 18-25; col. 17, ll. 45-67; col. 18, ll. 1-67; col. 19, ll. 1-20; and col. 25, ll. 55-67) suggests: "building a profile for one of said users based on said interaction. . . ."; however,

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"Official Notice" is taken that both the concepts and the advantages of "building a profile for one of said users based on said interaction. . ." were well known and expected in the art by one of ordinary skill at the time of the invention; for example, it would have been obvious to modify and interpret the disclosure of Cudahy cited above as implicitly showing "building a profile for one of said users based on said interaction. . .", because modification and interpretation of the cited disclosure of Cudahy would have provided means where "*data from . . . users is accepted in response to the questionnaire utilizing the network in operation 306. . . and the data are stored in a database. . .*" (see Cudahy (col. 11, ll. 12-20)) based on the motivation to modify Cudahy so as to "*perform] an assessment. . .*" (see Cudahy (col. 11, ll. 12-20)).

Claim 2 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1.

Claim 3 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1.

Claim 4 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1.

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As per dependent claim 5, Cudahy shows the method of claim 1.

Cudahy (the ABSTRACT; FIG. 1; FIG. 3; FIG. 3A; FIG 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 14; FIG. 15; FIG. 16; col. 1, ll. 55-67; col. 2, ll. 1-10; col. 4, ll. 30-60; col. 9, ll. 50-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 40-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-67; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67; col. 24, ll. 60-67; and col. 25, ll. 54-67) implicitly shows: “wherein said searching step further comprises searching for matching terms within . . . [‘questionnaire’] content descriptors associated with respective ones of said archived . . . [‘questionnaires’] . . .”

Cudahy lacks explicit recital of : “poll” or “polls”.

“Official Notice” is taken that both the concepts and the advantages of opinion “polls” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Cudahy (col. 17, ll. 45-67) cited above as implicitly showing opinion “polls”, because modification and interpretation of the cited disclosure of Cudahy would have provided means where “*data from . . . users is accepted in response to the questionnaire utilizing the network in operation 306. . . and the data are stored in a database. . .*” (see Cudahy (col. 11, ll. 12-20)) based on the motivation to modify Cudahy so as to “*perform] an assessment. . .*” (see Cudahy (col. 11, ll. 12-20)).

Claim 6 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1.

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Claim 7 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1. See Cudahy (col. 9, ll. 50-67; col. 10, ll. 1-67; and col. 11, ll. 1-67).

Claim 8 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1. See Cudahy (col. 10, ll. 1-67; and col. 11, ll. 1-67).

Claim 9 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1. See Cudahy (col. 9, ll. 50-67; col. 10, ll. 1-67; and col. 11, ll. 1-67).

Claim 10 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1. See Cudahy (col. 9, ll. 50-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 17, ll. 1-67; and col. 18, ll. 1-67).

As per dependent claim 11, Cudahy shows the method of claim 1. Cudahy (the ABSTRACT; FIG. 1; FIG. 3; FIG. 3A; FIG 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 14; FIG. 15; FIG. 16; col. 1, ll. 55-67; col. 2, ll. 1-10; col. 4, ll. 30-60; col. 9, ll. 50-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 40-67; col. 13, ll. 1-67; col. 14, ll. 1-

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67; col. 15, ll. 1-67; col. 16, ll. 1-67; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67; col. 24, ll. 60-67; and col. 25, ll. 54-67) implicitly shows: “wherein said building step further comprises embedding a tag. . . .”

Cudahy lacks a showing of : “embedding a tag on a user computer. . . .”

“Official Notice” is taken that both the concepts and the advantages of “embedding a tag on a user computer. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Cudahy cited above as implicitly showing “embedding a tag on a user computer. . . .”, because modification and interpretation of the cited disclosure of Cudahy would have provided means where “*data from . . . users is accepted in response to the questionnaire utilizing the network in operation 306. . . . and the data are stored in a database. . . .*” (see Cudahy (col. 11, ll. 12-20)) based on the motivation to modify Cudahy so as to “*perform] an assessment. . . .*” (see Cudahy (col. 11, ll. 12-20)).

As per dependent claim 12, Cudahy shows the method of claim 11.

Cudahy (the ABSTRACT; FIG. 1; FIG. 3; FIG. 3A; FIG 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 14; FIG. 15; FIG. 16; col. 1, ll. 55-67; col. 2, ll. 1-10; col. 4, ll. 30-60; col. 9, ll. 50-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 40-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-67; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67; col.

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24, ll. 60-67; and col. 25, ll. 54-67) implicitly shows: "wherein said building step further comprises embedding a tag . . ."

Cudahy lacks a showing of: "embedding a tag comprising a cookie. . ."

"Official Notice" is taken that both the concepts and the advantages of "embedding a tag comprising a cookie. . . " were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Cudahy cited above as implicitly showing "embedding a tag comprising a cookie. . . ", because modification and interpretation of the cited disclosure of Cudahy would have provided means where "*data from . . . users is accepted in response to the questionnaire utilizing the network in operation 306. . . and the data are stored in a database. . .*" (see Cudahy (col. 11, ll. 12-20)) based on the motivation to modify Cudahy so as to "*perform] an assessment. . .*" (see Cudahy (col. 11, ll. 12-20)).

Claim 13 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1.

Claim 14 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1.

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Claim 15 is rejected for the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 1.

Claim 16 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 2.

Claim 17 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 3.

Claim 18 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 4.

Claim 19 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 5.

Claim 20 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 6.

Claim 21 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 7.

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Claim 22 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 8.

Claim 23 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 9.

Claim 24 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 10.

Claim 25 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 11.

Claim 26 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 12.

Claim 27 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 13.

Claim 28 is rejected for at least substantially the same reasons provided by the disclosure of Cudahy recited in the obviousness rejection of claim 14.

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## **RESPONSE TO ARGUMENTS**

3. Applicant's arguments (filed 10/07/2004) have been considered but are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection.

## **CONCLUSION**

4. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
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2451 Crystal Drive  
Arlington, Virginia.

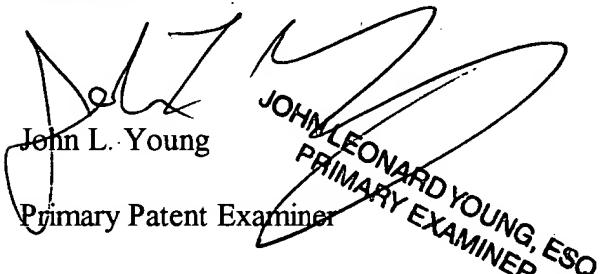
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703)

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305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young  
Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

January 10, 2005